



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

WALKER R. FORCE et al.

Serial No.: 10/040,244

Filed: OCTOBER 26, 2001

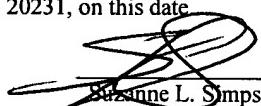
Title: ISOLATION AND
CHARACTERIZATION OF HIGHLY ACTIVE
ANTI-CD40 ANTIBODY

Group Art Unit: 1644

Examiner: TBA

I hereby certify that this paper and the attached papers are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents Washington, DC 20231, on this date.

4/11/02
Date


Suzanne L. Simpson

TRANSMITTAL

United States Patent and Trademark Office
Attn: Box Sequence
P.O. Box 2327
Arlington, VA 22202

Sir:

Transmitted herewith in the above-identified application are the following documents:

1. Response to Office Communication;
2. Preliminary Amendment;
3. Substitute Specification with correct margins;
4. Copy of Notice of Missing Parts;
5. Statement Under 37 CFR § 1.821(f) and (g);
6. Sequence Listing in computer readable format and paper copies;
7. Assignment for Recordation;

8. A check in the amount of \$2,964.00; and
9. Postcard.

Respectfully submitted,

By:


ROBERT M. BEDGOOD
Reg. No.: 43,488
Tel. No.: (858)-509-4065
Fax No.: (858) -509-4010

CUSTOMER NUMBER 27500

PILLSBURY WINTHROP LLP
11682 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130

Certificate of Mailing

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on.

Date: 1/11/02

By:

Suzanne L. Simpson

**THE UNITED STATES PATENT AND TRADEMARK OFFICE****FILING COMPLETION UNDER RULE 53(f)**

(NOT PCT Applications)
For Design, Provisional, or Utility Applications

PATENT
APPLICATION

COMPLETION Under Rule 53(f)
--

In re PATENT APPLICATION ofInventor(s): **WALKER R. FORCE, et al.**

Appln. No.: 10	040,244
Series Code ↑	Serial No. ↑

Atty.Dkt. P	021286	0272501
M#		Client Ref

Filed: **October 26, 2001**Title: **ISOLATION AND CHARACTERIZATION OF HIGHLY ACTIVE ANTI- CD40 ANTIBODY**

Hon. Commissioner of Patents
Washington, DC 20231

Date: **June 11, 2002**

Sir:

The following completes the filing under Rule 53(f) of the above-identified patent application:

1. **Notice to File Missing Parts** copy attached not yet received
 2. **Signed Declaration attached.** Original Facsimile/Copy

(Always "X" box 2 if filling signed Declaration and

"X" box 2A only if top box of the Declaration is X'd and file application copy, or

"X" box 2B only if none of the top three boxes of the Declaration is X'd.)

- 2A. Attached: Original signed Declaration with attached specification (including claim(s)) which is a copy of specification and claim(s) originally filed to secure the above filing date.
- 2B. The original application as filed in the PTO on the above filing date is the application which each inventor executed by signing the attached Rule 63 Declaration.
3. Specification originally filed in non-English language; hence verified translation attached of:
 a. Abstract
 b. # pages of Specification(only spec. & claims)
 c. Drawing(s) No of Sheets
 Fig(s). _____
4. Letter filing formal drawing attached.
5. **Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.**

6. **DOMESTIC/INTERNATIONAL** priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

Application No.	Filing Date	Application No.	Filing Date
(1) 60/200,601	April 28, 2000	(2)	
(3) 09/844,684	April 27, 2001	(4)	
(5) PCT/US01/13672	April 27, 2001	(6)	

7. **FOREIGN** priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in _____

Application No.	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	
(5)		(6)	

9. _____ (No.) Certified copy (copies): attached; previously filed (date) _____ filed on _____ in U.S. Application No. / _____

10. Small Entity Status → is Not claimed is claimed (file PAT-256 if this is the first claim of Small Entity Status)

11. Attached: (2) Checks totaling the amount of \$2,964.00; and return postcard.

12. Preliminary Amendment:

THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED

			Large/Small Entity		Fee Code
13. Basic Filing FeeDesign Application Not Design Application	\$330/\$165 \$740/\$370	740.00	106/26 101/201
14. Total Effective Claims	30	minus 20 = 10	x \$18/\$9	180.00	103/203
15. Independent Claims	21	minus 3 = 18	x \$84/\$42	1,764.00	102/202
16. If <u>any</u> proper multiple dependent claim (ignore improper) is present, (Leave this line blank if this is a reissue application)			\$280/\$140	+0	104/204
17. Surcharge for filing Declaration/filing fee late			\$130/\$65	130.00	105/205
18.		FILING FEE ENCLOSED =	\$0		
19. Original due date:	June 10, 2002				
20. Petition is hereby made to extend the <u>original</u> due date to cover the date this response is filed for which the requisite fee is attached	(1 mo) (2mos) (3mos) (4mos) (5mos)	\$110/\$55 = \$400/\$200 = \$920/\$460 = \$1,440/\$720 = \$1,960/\$980=	+110 +0	115/215 116/216 117/217 118/218	
21. If "non-English" box 3 is X'd, add Rule 17(k) processing fee		\$130	+0	139	
22. If "assignment" box 5 is X'd, add recording fee.		\$40	+40.00	581	
23. Petition Fee for		\$130	+0		
24.		TOTAL FEE ENCLOSED =	2,964.00		

Our Deposit Account No. 03-3975

Our Order No.

021286

C#

027 2501

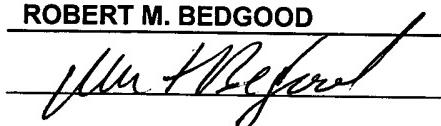
M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Winthrop LLP
Intellectual Property Group**

11682 El Camino Real
Suite 200 San Diego, CA 92130
Tel: (619) 234-5000

Atty/Sec: SLB/sls

By Atty: ROBERT M. BEDGOODReg. No. 43,488Sig: Fax: (858) 509-4010
Tel: (858) 509-4065

NOTE: File in duplicate with PTO receipt (PAT-103A) and attachments



~~UNITED STATES PATENT AND TRADEMARK OFFICE~~



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/040.244	10/26/2001	Walker R. Force	021286/027 2501

CONFIRMATION NO. 9259
FORMALITIES LETTER

"OC000000007836536"

Gemini Science, Inc.
4275 Executive Square Drive., #940
La Jolla, CA 92037

Date Mailed: 04/10/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1944.
 - \$180 for 10 total claims over 20.
 - \$1764 for 21 independent claims over 3 .
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2814.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
 - Papers contain improper margins. *Each sheet must have a left margin of at least 2.5 cm (1") and top, bottom and right margins of at least 2.0 cm (3/4")*
- Substitute drawings in compliance with 37 CFR 1.84 because:

06/21/2002 MAHMEDE 00000063 10040244

01 FC:101	740.00 OP
02 FC:102	1764.00 OP
03 FC:103	180.00 OP
04 FC:105	130.00 OP

- drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e));
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Atty. Docket No.: 021286-0272501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)	Group Art Unit: 1644
WALKER R. FORCE et al.)	Examiner: TBA
Serial No.: 10/040,244)	I hereby certify that this paper and the attached papers are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents Washington, DC 20231, on this date.
Filed: OCTOBER 26, 2001)	<i>Suzanne L. Simpson</i> Date 6/11/02
Title: ISOLATION AND CHARACTERIZATION OF HIGHLY ACTIVE ANTI-CD40 ANTIBODY		

RESPONSE TO NOTICE TO FILE MISSING PARTS and PRELIMINARY AMENDMENT

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

Please amend the subject application as follows:

In the specification

At page 1 replace the paragraph starting on line 4 with:

A1
---This application is a continuation-in-part and claims priority to application serial no. 09/844,684, filed April 27, 2001, PCT application PCT/US01/13672, filed April 27, 2001, and application serial no. 60/200,601, filed April 28, 2000. ---

REMARKS

In response to the Notice to File Missing Parts, a substitute specification with correct margins is submitted herewith. The substitute specification does not add new matter, and, therefore entry thereof is respectfully requested. The specification has also been amended to correctly reference the priority information of the instant application. Amended page 1 is

06/21/2002 MAHME1 0000063 10040244

05 FC:115

110.00 OP

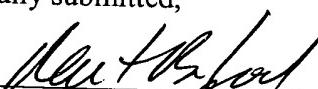
70020478v1

included in the substitute specification. The amendment to the specification adds no new matter, and, therefore entry thereof is respectfully requested.

If the fee authorized is incorrect or if any other fees are due in connection with this submission, please charge any such fee or credit any overpayment to Deposit Account No. 03-3975.

Respectfully submitted,

By:


ROBERT M. BEDGOOD
Reg. No.: 43,488
Tel. No.: (858)-509-4065
Fax No.: (858) -509-4010

CUSTOMER NUMBER 27500

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